

ARLENE P. MESSINGER
Assistant General Counsel for SBIC Enforcement
U.S. Small Business Administration
Receiver for Prospero Ventures, L.P.
409 Third Street, S.W., 7th Floor
Washington, DC 20416
Telephone: (202) 205-6857
Facsimile: (202) 481-0325

DARRYL J. HOROWITT #100898
CHRISTINE J. LEVIN #192181
COLEMAN & HOROWITT, LLP
Attorneys at Law
499 West Shaw, Suite 116
Fresno, California 93704
Telephone: (559) 248-4820
Facsimile: (559) 248-4830

Attorneys for Plaintiff,
U.S. SMALL BUSINESS ADMINISTRATION,
as Receiver for PROSPERO VENTURES, L.P.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

U.S. SMALL BUSINESS
ADMINISTRATION, as Receiver for
PROSPERO VENTURES, L.P.,

Plaintiff,

v.

DONALD K. EMERY,

Defendant.

NO. C 07-03741 JSC

**STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE AND
[PROPOSED] ORDER THEREON**

This stipulation is entered into by and between plaintiff, U.S. SMALL BUSINESS
ADMINISTRATION, as Receiver for PROSPERO VENTURES, L.P., and defendant, DONALD
K. EMERY, on the following recitals, terms, and agreements:

RECITALS

This stipulation is entered into with the following facts taken into consideration:

A. Plaintiff filed the above-captioned action on July 19, 2007.

1 B. Plaintiff thereafter served the complaint on defendant on August 13, 2007.

2 C. Defendant filed an answer on October 19, 2007.

3 D. Plaintiff has also filed a notice of pendency of related cases and an
4 administrative motion has been submitted to Judge Armstrong for determination. The
5 parties therefore wish for additional time to allow the administrative motion to be
6 decided.

7 E. In order to permit the parties time to complete the preparation of a joint
8 case management conference statement under F.R.C.P. Rule 26(f), the parties request
9 a continuance of the case management conference.

10 **STIPULATION**

11 With the above facts taken into consideration, the adequacy and sufficiency of
12 which are hereby acknowledged, the parties do hereby stipulate and agree as follows:

13 1. The case management conference shall be continued for a period of time
14 not to exceed 45 days in order to allow joint case management conference statement to
15 be agreed upon by the parties and submitted to the court.

16 2. This stipulation may be executed in counterparts and a facsimile and/or electronic
17 signature shall be considered as valid as an original.

18 Dated: October 22, 2007

COLEMAN & HOROWITT, LLP

19
20 By: 

DARRYL J. HOROWITT
Attorneys for Plaintiff

21
22 Dated: October 22, 2007

O'CONNOR & ASSOCIATES

23
24 By: 

JOHN O'CONNOR
Attorneys for Defendant

ORDER

The parties having stipulated, and good cause appearing therefor,

IT IS HEREBY ORDERED that:

1. The case management conference shall be continued to _____,
2007, at 10:00 a.m., in Courtroom E.
2. The parties shall file a joint case management conference statement no later than
_____, 2007.

Dated: _____

MAGISTRATE JUDGE
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA